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To: Dyer, NRR

AUTHOR: REP Jim Saxton

AFFILIATION: REP

ADDRESSEE: George Bush

SUBJECT: Operating license for Oyster Creek

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ARMED SERVICES COMMITTEE
SUBCOMMITTEES:
**TERRORISM, UNCONVENTIONAL
THREATS AND CAPABILITIES**
CHAIRMAN
PROJECTION FORCES
TOTAL FORCE

U.S. House of Representatives
Washington, DC 20515

September 14, 2004

The Honorable George W. Bush
President
1600 Pennsylvania Avenue
The White House, DC 20500

Dear President Bush:

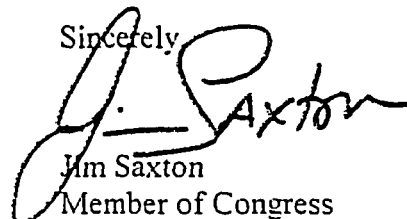
The operating license for Oyster Creek, the oldest operating nuclear generating station, located in Lacey Township, New Jersey, is set to expire in 2009. Owners of the plant have made public their intentions to file an application renewal. Nuclear Regulatory Commission (NRC) guidelines advise plant owners to submit license extension applications five years in advance of expiration. Consistent with previous relicensure applications submitted to the NRC, Oyster Creek is poised to be granted a twenty year operating extension, allowing it to continue its reign as the oldest operating nuclear reactor in the nation.

The safety and security of Oyster Creek is a major concern to myself and my constituents. After 40 years of continued operation, I question whether Oyster Creek is structurally sound to withstand continued operations for an additional 20 years beyond its initial life span. While NRC guidelines maintain that a plant owner must demonstrate the facility's structures and components requiring age management review are in accordance with statutes for license renewal, this amounts to little more than an exercise in paperwork. Extensive on-site analysis must be conducted by an outside party to guarantee there is an acceptable level of safety during the period of extended operation.

Therefore, I respectfully request an Executive Order be issued to conduct an independent safety assessment of the equipment and sustainability of the Oyster Creek Nuclear Generating Station. I have learned through New Jersey State Senator Leonard Connors, it is believed there is precedent for such an order, and deem this situation of such critical importance that Presidential intervention is warranted.

Thank you for your consideration of this critical safety issue.

Sincerely


Jim Saxton
Member of Congress

JS/jaz

.....
(Original Signature of Member)

108TH CONGRESS
2D SESSION

H. R. _____

To require the Nuclear Regulatory Commission to consider certain criteria in relicensing nuclear facilities, and to provide for an independent assessment of the Oyster Creek Nuclear Generating Station by the National Academy of Sciences prior to any relicensing of that facility.

IN THE HOUSE OF REPRESENTATIVES

Mr. SAXTON introduced the following bill; which was referred to the
Committee on _____

A BILL

To require the Nuclear Regulatory Commission to consider certain criteria in relicensing nuclear facilities, and to provide for an independent assessment of the Oyster Creek Nuclear Generating Station by the National Academy of Sciences prior to any relicensing of that facility.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CONGRESSIONAL FINDINGS.**

4 The Congress finds the following:



1 (1) The Oyster Creek Nuclear Generating Sta-
2 tion, operating for over 35 years, is the oldest nu-
3 clear facility in the country.

4 (2) More than 3,500,000 people now reside
5 within a 50-mile radius of Oyster Creek.

6 (3) Nuclear power plants have been identified
7 as inviting targets for terrorist attacks.

8 (4) It is necessary to assess the safety, perform-
9 ance, and reliability of the Nation's oldest operating
10 reactor.

11 (5) An independent assessment will help in de-
12 termining if the plant can continue to maintain ade-
13 quate levels of safety

14 **SEC. 2. RELICENSING CRITERIA FOR NUCLEAR FACILITIES.**

15 Section 182 of the Atomic Energy Act of 1954 (42
16 U.S.C. 2232) is amended by adding at the end the fol-
17 lowing new subsection:

18 “e. In determining whether to approve an application
19 for relicensing, the Commission shall evaluate the facility
20 with respect to health risks, vulnerability to terrorist at-
21 tack, evacuation plans, population increases, ability to
22 store nuclear waste, safety and security record, and the
23 impact of a nuclear accident.”.



1 SEC. 3. INDEPENDENT ASSESSMENT OF OYSTER CREEK NU-
2 CLEAR GENERATING STATION.

3 (a) IN GENERAL.—The Nuclear Regulatory Commis-
4 sion shall not relicense the Oyster Creek Nuclear Gener-
5 ating Station until—

6 (1) at least 90 days have expired after it has
7 transmitted under subsection (e) the recommenda-
8 tions from the National Academy of Sciences; and

9 (2) it has given appropriate consideration to
10 those recommendations.

11 (b) ASSESSMENT BY NATIONAL ACADEMY OF
12 SCIENCES.—The Nuclear Regulatory Commission shall
13 enter into an arrangement with the National Academy of
14 Sciences to provide, with respect to the Oyster Creek Nu-
15 clear Generating Station, an independent assessment of
16 safety performance along with recommendations for reli-
17 censing and relicensing conditions.

18 (c) FUNCTIONS.—Pursuant to guidelines provide by
19 the Nuclear Regulatory Commission, the National Acad-
20 emy of Sciences shall—

21 (1) provide an independent assessment of the
22 conformance of Oyster Creek Nuclear Generating
23 Station to its design and licensing bases, including
24 appropriate reviews at the site and corporate offices;



1 (2) provide an independent assessment of oper-
2 ational safety performance, identifying risk factors
3 where appropriate;

4 (3) provide an independent assessment of
5 health risks, vulnerability to terrorist attack, evacu-
6 ation plans, population increases, ability to store nu-
7 clear waste, safety and security record, and the im-
8 pact of a nuclear accident;

9 (4) evaluate the effectiveness of licensee self-as-
10 sessments, corrective actions, and improvement
11 plans; and

12 (5) determine the cause or causes of safety
13 problems and assess overall performance.

14 (d) ACCESS.—The Nuclear Regulatory Commission
15 shall issue such orders as are necessary to ensure appro-
16 priate access for the National Academy of Sciences to
17 carry out this section.

18 (e) REPORT.—Not later than 18 months after the
19 date of enactment of this Act, the Nuclear Regulatory
20 Commission shall transmit to the Congress the report re-
21 ceived from the National Academy of Sciences under this
22 section.



Oyster Creek Bill Summary

9/10/04

The bill is to require the NRC to consider certain criteria in relicensing nuclear facilities, and to provide for the establishment of a National Academy of Sciences (NAS) assessment to assist with the relicensing of the Oyster Creek Nuclear Power Plant.

Section 1: Congressional findings.

States 5 basic facts about the plant, such as it is the oldest operating plant in the country, more than 3.5 million people live within a 50-mile radius, etc.

Section 2: Relicensing Criteria.

Amends the Atomic Energy Act of 1954 to mandate the NRC evaluate all facilities requesting relicensure with respect to health risks, vulnerability to terrorist attack, evacuation plans, population increases, ability to store nuclear waste, safety and security record, and the impact of a nuclear accident.

Section 3: Independent Assessment.

Section 3a: The NRC shall not relicense Oyster Creek until at least 90 days after it has obtained recommendations from the NAS.

Section 3b: Mandates establishment of an Independent Safety Assessment Team (ISAT). Defines the ISAT's purpose to conduct an independent assessment of safety performance, to include recommendations and conditions for relicensing.

Section 3c: Defines functions of the Team.

- (1) to provide an independent assessment of conformance of Oyster Creek to its design and licensing bases, including site and corporate offices;
- (2) to provide an independent assessment of operational safety performance, identifying risk factors;
- (3) provide an independent assessment of health risks, vulnerability to terrorist attack, evacuation plans, population increases, ability to store nuclear waste, safety and security record, and nuclear accident impact.
- (4) to evaluate effectiveness of license self-assessment, corrective actions, and improvement plans;
- (5) to determine the cause of causes of safety problems and assess overall performance.

3d: Defines Access.

Requires the NRC to issue appropriate orders to allow for access to sites by members of the NAS ISAT.

3e: Defines timeline.

Requires the ISAT to report to Congress and the NRC its findings within 18 months.

Main issues with Oyster Creek

- Inefficiency:** -A recent GAO study on nuclear power avers NRC review of safety assessments have primarily been paper reviews and are not detailed enough to determine if the plans could actually protect the facility.
-In a letter you sent to President Bush, you said the relicensure process amounts to little more than "an exercise in paperwork."
-Many are starting to understand the NRC's self-assessment policies are not sufficient and more must be done to protect plants.
- Relicensure:** These items are not taken into account during the relicensure process:
-health risks
-vulnerability to terrorist attack
-evacuation plans
-population increases
-ability to store nuclear waste
-safety and security record
-impact of a nuclear accident
-Shouldn't these be the MAIN considerations during the process?
- Structure:** -The plant opened in 1969, making it 35 years in operation.
-Should a plant built to operate for 35 years continue to operate for an additional 20?
-The structural design of Oyster Creek was prohibited 3 years later, if this structure was deemed unfit then, how can it be sound 35 years later?
- Safety:** -Spent fuel is housed onsite in above ground storage casks.
-Are these containers robust enough to withstand an aerial attack?
-Does Oyster Creek have enough room to continue storing fuel onsite in the event Yucca Mountain doesn't open in the next ten years?
- Evacuation:** -More than 530,000 people now live in the area of OC, an area that once had only 125,000 people, the second fastest growing area in the state.
-Population swells during the summer put 1 million people in a 10 miles radius, can these people be safely evacuated?
- Health:** -Only environmental impacts on fish and wildlife are considered, because in 1995 NRC eliminated this from their checklist. Who monitors radioactive emissions and their effect on the community?
- Terrorism:** -Spent fuel pools are aboveground, making it more attractive/vulnerable to attacks from aircraft. How are they protected?
- Labor:** -Spring 2003 strike occurred in because contract negotiations called for layoffs that would compromise worker safety.
-Labor force cut from 850 to 450 since 2000, 25% of those workers were radiation protection workers.
-Questions of worker safety and accuracy vs. running a profitable plant, which has become more important?